UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/1009
S/22573
7 May 1991
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 28
THE SITUATION IN CENTRAL AMERICA:
THREATS TO INTERNATIONAL PEACE
AND SECURITY AND PEACE INITIATIVES

SECURITY COUNCIL
Forty-sixth year

Letter dated 7 May 1991 from the Permanent Representative of Guatemala to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the Agreement on a general agenda, signed at Mexico City on 26 April 1991 following talks held by the delegations of the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) in the presence of Guatemala's National Reconciliation Commission and the Observer appointed by you (see annex).

The Agreement on a general agenda was signed as a result of the Government's commitment to put an end to the internal armed conflict and bring about reconciliation among all Guatemalans (see also document A/45/1007-S/22563).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under agenda item 28, and of the Security Council.

(Signed) Francisco VILLAGRAN DE LEON
Ambassador
Permanent Representative

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ANNEX

Agreement on a general agenda, signed at Mexico City on 26 April 1991

1. Democratization. Human rights.

2. Strengthening of civilian authority and the role of the army in a democratic society.

3. Identity and rights of indigenous peoples.

4. Constitutional reforms and electoral system.

5. Socio-economic aspects.

6. Agrarian situation.

7. Resettlement of populations uprooted by the armed conflict.

8. Bases for bringing URNG into the political life of the country.

9. Arrangements for the final cease-fire.

10. Timetable for the implementation, fulfilment and verification of agreements.

11. Signing of the agreement on a firm and lasting peace, and demobilization.

(Signed) Rodolfo QUEZADA TORUÑO

(Signed) Manuel E. CONDE ORELLANA

(Signed) Francesc VENDRELL

(Signed) Gaspar ILOM

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/1010
S/22575
8 May 1991
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 153
IRAQI AGGRESSION AND THE CONTINUED OCCUPATION OF KUWAIT IN FLAGRANT VIOLATION OF THE CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 8 May 1991 from the Chargé d'affaires a.i. of the Permanent Mission of Qatar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the press communiqué issued on 5 May 1991 by the Ministerial Council of the Gulf Cooperation Council concerning the situation in the region following the Gulf War.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the General Assembly, under agenda item 153, and of the Security Council.

(Signed) Nassir Abdelaziz AL-NASSER
Chargé d'affaires a.i.

ANNEX

Press communiqué

The Ministerial Council held its fifteenth extraordinary session on Sunday, 21 Shawwal A.H. 1411, corresponding to 5 May A.D. 1991 at Kuwait City, under the chairmanship of His Excellency Mubarak Bin Ali al-Khatir, Minister for Foreign Affairs of the State of Qatar, and with all its members present:

His Highness Sheikh Hamdan Bin Zayed Al Nahyan, Minister of State for Foreign Affairs of the United Arab Emirates;

His Excellency Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of the State of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of the Kingdom of Saudi Arabia;

His Excellency Mr. Yousef Bin Alawi Bin Abdullah, Minister of State for Foreign Affairs of the Sultanate of Oman;

His Excellency Sheikh Salim al-Sabah, Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait.

From the land of free and liberated Kuwait, the Ministerial Council addressed, with great pride, its most sincere congratulations and an invocation of God's blessing to the leadership and people of Kuwait on the land's being purged of the forces of the treacherous, criminal and destructive regime and on the return of legitimacy to Kuwait, under the leadership of His Highness Sheikh Jaber al-Ahmad al-Jaber al-Sabah, Amir of Kuwait, and by the grace of God, who repelled the cunning of the aggressor and inspired the leaders of the States of the Gulf Cooperation Council with the blessing of wisdom and firm and swift action, supported by strength of faith and higher humanitarian values and principles. It expressed its admiration of the solidarity and cohesion shown by the citizens of the States of the Council and the sacrifices which they made and commended the support of fraternal and friendly States which joined with the States of the Gulf Cooperation Council in an unprecedented international coalition supported by United Nations resolutions and international legitimacy.

The Council commends the important directives formulated by His Highness Sheikh Jaber al-Ahmad al-Jaber al-Sabah, Amir of Kuwait, at the meeting that the members of the Ministerial Council were honoured to have with His Highness this morning, and it appreciates these directives, which will strengthen the links of destiny between the States of the Council and his people and promote the cause of the Council in such a way as to ensure the achievement of its objectives and the preservation of security and stability in the region.

The Council also commends the outstanding role played by His Excellency Sheikh Sabah al-Ahmad al-Jaber al-Sabah, former Prime Minister and Minister for Foreign Affairs of the State of Kuwait in the work of the Gulf Cooperation Council, his distinguished part in the strengthening of cohesion and bonds between the States of the Council, his great efforts in joint Arab endeavour and his generosity at the international level. The Council, which takes pride in this broad human humanitarian generosity, wishes Sheikh Sabah al-Ahmad continued generosity and munificence in whatever position he may choose. It also welcomes His Excellency Sheikh Salim al-Sabah, Deputy Prime Minister and Minister for Foreign Affairs, and expresses its confidence that he will be the best of successors to the best of predecessors, wishing him every success.

The Council reviewed the most recent developments and new situations in the Gulf region, recalling the decisions of the Supreme Council at its eleventh session in Doha, which stress unity and cohesion in security matters between the States of the region and emphasize the principle of collective defence for the States of the Council. The Council stresses its continued support for the State of Kuwait.

The Ministerial Council welcomes the beginning of the deployment of United Nations observer forces in the demilitarized zone between Kuwait and Iraq in implementation of Security Council resolution 687 (1991) in order to prevent frontier violations and observe any acts of aggression.

The Ministerial Council, appalled by what it has witnessed of the effects of deliberate destruction and sabotage of civilian phenomena in Kuwait by the forces of the odious occupation, the large-scale organized looting of public and private property of the people and residents of Kuwait committed by those forces, the burning and destruction of Kuwaiti oil wells and installations by the forces of evil and the heinous crimes against the environment and nature committed by sinful hands, renews its condemnation of those evil acts committed by the Iraqi regime in Kuwait and reaffirms the following:

The Ministerial Council:

Stresses the necessity of the immediate implementation of Security Council resolutions 686 (1991) and 687 (1991);

Renews its demand that the Iraqi authorities immediately release all hostages and detainees, Kuwaiti and other;

Once again places on Iraq full responsibility for the human and material damage suffered by Kuwait and reiterates its demand that Iraq pay compensation for those losses in accordance with Security Council resolutions 674 (1991), 686 (1991) and 687 (1991) without any procrastination or delay;

Reaffirms the necessity of continuing the sanctions imposed on Iraq under resolutions 661 (1991), 665 (1991), 670 (1991), 686 (1991) and 687 (1991) until Iraq releases all Kuwaiti detainees held by it and shows de facto

compliance with legitimate international resolutions concerning the payment of compensation and the return of stolen articles to Kuwait;

Stresses the necessity of continuing the above-mentioned sanctions until Iraq shows de facto compliance in practice with the provisions of Security Council resolution 687 (1991) concerning the removal of all weapons of mass destruction and accepts the provisions of that resolution concerning on-site inspection to verify its compliance and agrees unconditionally not to possess or produce nuclear weapons;

Reaffirms the necessity of removing all weapons of mass destruction from the Middle East region as a whole.

The Council expresses its satisfaction that security and peace have returned to all Kuwaiti territory and that the people of Kuwait have begun to remove the legacy and traces of aggression and to work for the reconstruction of their fatherland. It hopes that the international community, the United Nations, the specialized agencies and concerned international institutions will take all appropriate steps to contribute to the elimination of the effects of environmental pollution resulting from the burning of oil wells through effective participation in the extinguishing of the fires lit in Kuwaiti oilfields by the Iraqi regime, in accordance with Security Council resolution 686 (1991).

The Council expresses its deep regret with regard to the most repugnant forms of suffering experienced by the Iraqi people as a result of the arbitrary policy of the Iraqi leadership and affirms in this regard its support for the Iraqi people in its trial and its full concern for Iraqi territorial integrity.

The Council is following with extreme interest and deep concern the efforts being made by the United States of America to arrive at a just and comprehensive solution of the Arab-Israeli conflict and the question of Palestine on the basis of Security Council resolutions 242 (1967) and 338 (1973). It stresses its support for those constructive peace efforts and its support for the proposal to convene a peace conference at an early date, inasmuch as the present time is the best time, now that appropriate circumstances are at hand for action to put an end to the Arab-Israeli conflict and achieve a just and comprehensive solution that would restore to the people of Palestine its legitimate rights within the framework of the international order based on cooperation and confirmation of the will to peace and stability in the world and the elimination of causes of tension and disruption.

The Ministerial Council notes with entire satisfaction the positive developments in fraternal Lebanon and the successes registered by the Lebanese Government in extending its authority over Lebanese territory. It reaffirms the support of the States of the Gulf Cooperation Council for the Taif Agreement, calls for the full and unconditional implementation of Security

Council resolution 425 (1978) and the withdrawal of Israeli forces from southern Lebanon without procrastination or delay, draws attention to the resolution of the Arab Summit calling for the establishment of a fund to support Lebanon and calls upon the international community to contribute to it.

DONE at Kuwait City on 21 Shawwal A.H. 1411, corresponding to 5 May A.D. 1991.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/1011
13 May 1991

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 157

FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara (MINURSO) (A/45/241/Add.1). During its consideration of the item, representatives of the Secretary-General provided additional information to the Advisory Committee.

2. MINURSO was established by Security Council resolution 690 (1991) of 29 April 1991, which approved the report of the Secretary-General (S/22464 and Corr.1) of 19 April 1991, transmitted in accordance with resolution 658 (1990) of 27 June 1990, and the Secretary-General's proposals contained in his report. With regard to the method of financing of MINURSO, the Secretary-General recalls in paragraph 5 of his report (A/45/241/Add.1) his recommendation that "its full cost should be considered as expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter". The Secretary-General further recalls his intention "to recommend to the General Assembly that the assessments to be levied on Member States be credited to a special account that would be established for this purpose".

3. The Advisory Committee notes the statement of the Secretary-General in his report to the Security Council of 24 April 1991 (S/22532) that "the budget of MINURSO should be adopted without change and that it should be reviewed after six months, at which time any necessary adjustments can be made". Representatives of the Secretary-General explained to the Committee that the statement referred not to the cost estimates, but to the period for which they were meant to apply. The Committee understands that even though it appeared

in a report to the Security Council, this statement which is also referred to in paragraph 5 of the Secretary-General's report on the financing of MINURSO, was not approved by the Council. Representatives of the Secretary-General confirmed to the Advisory Committee his awareness that, in accordance with Article 17 of the Charter, it is the General Assembly which considers and approves the budget of the Organization. In order to avoid confusion in the budgetary process, the Advisory Committee trusts that statements of this nature will be avoided in future.

4. As indicated in section II of the report (ibid.), the Advisory Committee concurred in the Secretary-General's request to enter into commitments not exceeding a total of $316,900 for the establishment of the preparatory office of the Special Representative for Western Sahara from its inception on 1 November 1990 through 1 July 1991 on the understanding that the MINURSO should include the costs of the preparatory office.

5. The Advisory Committee further concurred, on 6 May 1991, in the Secretary-General's request to enter into additional commitments not exceeding $572,800 net under the provisions of General Assembly resolution 44/203 on unforeseen and extraordinary expenditure for the biennium 1990-1991 pending the Committee's consideration of the detailed MINURSO budget. This authorization was given to enable the Secretary-General to begin implementing the plan for MINURSO approved by Security Council resolution 690 (1991), pending the adoption of a budget for MINURSO by the General Assembly at its forthcoming resumed forty-fifth session. This amount covers the establishment and operation of the Identification Commission for up to eight weeks, consisting of staff salaries ($338,000), common staff costs ($228,300) and other operating costs ($5,700).

6. According to section III of the report, the Secretary-General estimates that the MINURSO operation, as set out in the timetable in paragraph 52 of S/22464 and approved by Security Council resolution 690 (1991), beginning 29 April 1991, would amount to $180,617,000 gross ($176,868,000 net) at full cost. The Committee notes that this estimate is on the basis of a "worst case-scenario", which does not take into account the provision of facilities and voluntary contributions that may be received. A breakdown of this cost estimate is provided in annex I to the Secretary-General's report and supplementary information thereon in annex II. The proposed civilian staffing table of MINURSO is contained in annex III and its deployment and cost estimate are provided in annexes IV and V.

7. The total cost estimate includes prior commitments not exceeding $316,900 for the establishment of the preparatory office of the Special Representative for Western Sahara and $572,800 net to cover the establishment and operation of the Identification Commission for up to eight weeks under the terms of General Assembly resolution 44/203 in order to meet interim pre-implementation expenses (see paras. 4 and 5 above). It does not include the estimates for the repatriation of estimated 62,000 Western Saharans by the UNHCR as part of MINURSO's operation, which, according to the Secretary-General, "should be regarded as a humanitarian activity and ... therefore be funded through voluntary contributions" (ibid., para. 18).

8. In this connection, the Committee notes the Secretary-General's statement (ibid., para. 19 and S/22464, para. 60) that "MINURSO should not be deployed in the mission area on D-day unless it has been unequivocally established, by that date, that the necessary voluntary contributions totalling $34.5 million would be available in full and in time to permit implementation of the repatriation programme". In view of the urgency of the matter, the Advisory Committee recommends that the Secretary-General launch, without delay, a special appeal to all Governments and make other efforts, including convening a pledging conference, to enable the repatriation of Western Saharans by UNHCR, as scheduled. The Secretary-General should report on the funding to the General Assembly as early as possible and before the transitional period begins. The representatives of the Secretary-General stated that some Member States have indicated the possibility to provide voluntary contributions in kind such as air transportation, which would substantially reduce the UNHCR budgetary requirements. In this connection, the Advisory Committee recommends that cost estimates relating to the repatriation of Western Saharans by UNHCR as part of the MINURSO operation be submitted to the Committee at an appropriate time.

9. In paragraphs 8 to 14 of his report (A/45/241/Add.1), the Secretary-General summarizes the operational plan for MINURSO, including the timetable, and states the general assumptions on which the cost estimates are based. The Advisory Committee further notes from paragraph 10 of the report (ibid.) that the transitional period (D-Day) begins about 16 weeks after the General Assembly approves the MINURSO budget and the referendum will be held about 20 weeks later.

10. The Advisory Committee undertook a careful and detailed examination of the cost estimates and supplementary information thereon as set out in annexes to the report (ibid.). The Committee was informed that in view of the short notice for preparation of the Secretary-General's report on the MINURSO budget since the adoption of Security Council resolution 690 (1991) on 29 April 1991 and the Secretariat's preparation and emplacement of other peace-keeping operations at the same time as well as some unknown factors with regard to MINURSO, there are a number of uncertainties with regard to the estimates, which are based on full costs.

11. The Advisory Committee notes from the Secretary-General's report to the Security Council (S/22464, para. 50) that if adequate facilities were provided to MINURSO the level of expenditures would be reduced and result in further savings. In this connection, the Committee recalls the model status-of-forces agreement for peace-keeping operations, contained in the report of the Secretary-General (A/45/594). Accordingly, the Advisory Committee trusts that the Secretary-General will pursue every effort to obtain premises for the operation and the accommodation of the staff without cost to MINURSO, which should result in substantial savings.

12. The Committee was also informed of several other possibilities, including that air support could be provided as a voluntary contribution and that some equipment could be made available from other peace-keeping operations or from

the existing supply depot at a charge to MINURSO below market cost. The Committee is of the view that the above elements and other possible savings may considerably reduce the actual total budgetary requirements of MINURSO.

13. The Advisory Committee notes that mission subsistence allowance (MSA) is provided for 550 military observers ($8.8 million), 245 dispersed military personnel ($4.4 million), 300 civilian police officers ($2.9 million), 280 government-provided personnel ($0.9 million) and up to 561 International staff ($8.0 million) at full MSA rate of $85 per day for 70 per cent of the above personnel and at the "accommodation provided" rate of $65 per day for the remaining 30 per cent. The Committee is of the view that the above rates are high compared to local conditions. The Committee further notes that in view of the planned provision of civilian accommodation for more than 1,000 persons ($9.0 million), military living accommodation for 445 persons ($3.1 million), transit staff accommodation for 60 short-term staff, and staff accommodation for 35 large and 10 small polling stations ($2.1 million), less than 70 per cent of the eligible personnel would be entitled to the full MSA rate of $85.

14. The Committee, upon receipt of additional information from representatives of the Secretary-General, believes that in comparison with other operations, the MINURSO estimates for death and disability awards, medical evacuation travel, and payments to troop contributing countries for contingent-owned equipment may afford room for substantial savings.

15. With regard to civilian personnel costs, the Committee is of the view that the proposed MINURSO staffing table with two Under-Secretary-Generals and three Assistant Secretary-Generals for a relatively small operation with short duration is top-heavy. In this connection, the Committee recalls that the head of the election division for UNTAG was appointed at the D-2 level. The Committee therefore recommends that not more than one USG (the Special Representative for Western Sahara) and one ASG (the Force Commander) be appointed for MINURSO. The Committee was also informed that some of the up to 561 International staff, who may not be available in the Secretariat, may be substituted by government-provided personnel and the maximum number of civilian staff may not be required as envisaged. This may well result in savings under salaries and common staff costs.

16. As regards the provision for premises and accommodation ($25.1 million), the Committee notes that it would be reduced in case of provision of facilities and voluntary contributions in kind. The Committee is of the view that the provision of $2.5 million for alteration under maintenance of premises is high and that every effort should be made to achieve savings.

17. With regard to the proposed acquisition of a total of 824 vehicles for MINURSO ($17.9 million), including 98 sedans and 546 station wagons, and taking into account the number of staff and the short period of the operation, the Committee believes that less vehicles may be required and savings could be made in hiring rather than purchasing vehicles during the short peak-period. The Committee is of the view that the estimated costs for petrol, oil and

lubricants ($2.8 million) may also be affected by voluntary contributions in this regard. The Committee believes that the estimate of $23.1 million for the leasing of aircraft may be overstated since it is based on a very high number of flying hours/per month and a high estimated cost per flying hour of the various aircraft for the entire period of the operation.

18. With regard to communications equipment ($9.5 million), the Committee had difficulty to ascertain the actual need due to insufficient information on the implementation of the operational plan. In this connection, the Committee recalls its observation in its recent report on the United Nations Iraq-Kuwait Observation Mission (UNIKOM) concerning the need to ensure the acquisition of equipment that is compatible with the needs of the mission (A/45/1005, para. 18). The Committee recommends that any equipment available from other operations or from the existing supply depot should be utilized.

19. In view of the Committee's observations in paragraphs 8 to 18 above, taking into account the number of uncertainties with regard to the operation plan and the cost estimates for MINURSO and the possibilities of provision of facilities, voluntary contributions by Governments and other savings, the Advisory Committee recommends that the General Assembly:

Approve, in principle, the proposed cost estimates of the Secretary-General on MINURSO, as contained in his report (A/45/241/Add.1), and appropriate and assess a total of $143 million gross ($140 million net) for the initial six-month period to be financed in accordance with the special scale for peace-keeping operations;

Accept the recommendation of the Advisory Committee on Administrative and Budgetary Questions in paragraph 15 of its report concerning the high-level posts for MINURSO;

Request the Secretary-General to submit a detailed performance report for the first six months of the operation, taking into account the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions in its report;

Consider appropriations and assessments required to finance MINURSO for the remaining three-month period at its forty-sixth session in the light of the performance report referred to above;

Approve the recommendation of the Advisory Committee in paragraph 8 of its report and request the Secretary-General to report to the Assembly at the appropriate time on the results of his special appeal for funding the repatriation programme by UNHCR estimated at $34.5 million and submit to the Advisory Committee the UNHCR cost estimates relating to the repatriation of Western Saharans.

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General Assembly Security Council

Distr.
GENERAL

A/45/1012
S/22585
10 May 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF THE
PALESTINIAN PEOPLE AND OTHER ARABS
OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-sixth year

Letter dated 10 May 1991 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

I am instructed by the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of Palestine, to bring the following to your immediate attention:

Recently, Ariel Sharon, the Housing Minister of Israel, revealed yet another elaborate and dangerous Israeli plan regarding the settlement building campaign which is to be launched shortly in the occupied Palestinian territory.

One segment of the plan is to build a settlements belt between Jerusalem and other Jewish settlements thus expanding the size of the land which Jerusalem occupies in order to settle 1 million Jews in Jerusalem. Another segment of the plan lies in building an additional chain of settlements located in an area between Al Khalil and Bethlehem. In total the plan entails the building of 36,000 residential units in addition to the 3,000 in Jerusalem that are currently under construction.

Clearly, Israel, the occupying Power, is in direct violation of the Fourth Geneva Convention of 1949, as well as the General Assembly and Security Council resolutions which declared the settlements in the occupied territories as illegal and should be dismantled.

We call upon the international community to take immediate action to stop Israel, the occupying Power, from committing such illegal actions; and to further utilize its power to enforce the relevant Security Council resolutions swiftly and effectively.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75, and of the Security Council.

(Signed) Dr. Nasser AL-KIDWA
Permanent Observer of
Palestine to the United Nations

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/1013
16 May 1991
ENGLISH
ORIGINAL: ARABIC

Forty-fifth session
Agenda item 157

FINANCING OF THE UNITED NATIONS MISSION FOR THE REFERENDUM IN WESTERN SAHARA

Report of the Fifth Committee

Rapporteur: Mr. Shamel NASSER (Egypt)

I. INTRODUCTION

1. At its 75th plenary meeting, on 13 May 1991, the General Assembly decided to include in the agenda of its forty-fifth session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara" and to allocate it to the Fifth Committee.

2. At its 57th to 59th meetings, on 13, 14 and 16 May 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara (A/45/241/Add.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1011).

3. Statements and observations made in the course of the Committee's consideration of this item are reflected in the relevant summary records (see A/C.5/45/SR.57-59).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/45/L.30

4. At its 59th meeting, on 16 May 1991, the Vice-Chairman of the Committee introduced a draft resolution (A/C.5/45/L.30) and orally revised it as follows:

(a) In operative paragraph 1, line 2, for "will consider" read "shall consider";

(b) In operative paragraph 7, at the end of the paragraph, add "in accordance with the settlement plan as contained in paragraphs 72-74 of the report of the Secretary-General of 18 June 1990 3/ and in paragraphs 34-36 of the report of the Secretary-General of 19 April 1991 4/".

5. At that meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the United Nations Mission for the Referendum in Western Sahara

The General Assembly,

Recalling its resolution 45/21 of 20 November 1990,

Bearing in mind Security Council resolutions 621 (1988) of 20 September 1988 and 658 (1990) of 27 June 1990 as well as Council resolution 690 (1991) of 29 April 1991, by which the Council established, under its authority, a United Nations mission for the referendum in Western Sahara,

Having considered the report of the Secretary-General on the financing of the United Nations Mission for the Referendum in Western Sahara 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Noting that the budgetary estimates of the Mission as contained in the report of the Secretary-General amount to $180,617,000 gross ($176,868,000 net), 1/

Recognizing that the costs of the Mission are expenses of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to fulfil its responsibilities under the relevant resolutions of the Security Council,

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1/ A/45/241/Add.1.

2/ A/45/1011.

Urging all Member States to make every possible effort to ensure payments of their assessed contributions to the Mission in full and on time, particularly in view of the urgent need for the start-up cost of the operation and its brevity of duration,

Recognizing that, in order to meet the expenditures caused by the Mission, a different procedure is required from the one applied to meet expenditures of the regular budget of the United Nations,

Taking into account the fact that economically more developed countries are in a position to make relatively larger contributions and that the economically less developed countries have a relatively limited capacity to contribute towards such an operation,

Bearing in mind the special responsibilities of the States permanent members of the Security Council, as indicated in General Assembly resolution 1874 (S-IV) of 27 June 1963, in the financing of the United Nations Mission for the Referendum in Western Sahara,

1. Recalls that, in accordance with Article 17 of the Charter of the United Nations, it is the General Assembly that shall consider and approve the budget of the Organization;

2. Approves, in principle, the budgetary estimates proposed by the Secretary-General for the United Nations Mission for the Referendum in Western Sahara ($180,617,000 gross, $176,868,000 net), as contained in his report, 1/ for the mandate period approved by the Security Council in its resolution 690 (1991) and in respect of which the Secretary-General is requested to establish a special account in accordance with paragraph 16 of his report; 1/

3. Decides to appropriate an initial amount of $143,000,000 gross ($140,000,000 net), inclusive of the amount of $889,700 authorized with the concurrence of the Advisory Committee on Administrative and Budgetary Questions for pre-implementation expenses under the terms of General Assembly resolution 44/203 of 21 December 1989, for the operation of the Mission in accordance with the implementation timetable set out in paragraph 10 of the report of the Secretary-General; 1/

4. Requests the Secretary-General to submit a detailed performance report for the first six months of the operation to its forty-sixth session and to take all necessary measures to ensure that the operation is administered with the maximum of efficiency and economy, bearing in mind the observations and recommendations contained in paragraphs 10 to 18 of the report of the Advisory Committee; 2/

5. Decides to consider at its forty-sixth session the appropriations required to finance the Mission for the remaining three-month mandate period in the light of the performance report referred to in paragraph 4 of the present resolution;

6. Takes note of the views expressed in paragraphs 18 and 19 of the Secretary-General's report, 1/ and acknowledges that the repatriation programme to be carried out by the Office of the United Nations High Commissioner for Refugees, in accordance with its statute, is an essential political element in the settlement proposals without which an impartial referendum could not take place, and calls upon Member States to respond expeditiously to the Secretary-General's appeal for voluntary contributions in this regard;

7. Adopts the recommendations of the Advisory Committee, as contained in paragraph 8 of its report 2/ in respect of voluntary contributions totalling $34.5 million estimated as the requirements of the Office of the United Nations High Commissioner for Refugees for the repatriation of Western Saharans in accordance with the settlement plan as contained in paragraphs 72-74 of the report of the Secretary-General of 18 June 1990 3/ and in paragraphs 34-36 of the report of the Secretary-General of 19 April 1991; 4/

8. Notes the recommendation of the Advisory Committee in paragraph 15 of its report 2/ concerning the high-level posts for the Mission and decides that not more than one Under-Secretary-General and two Assistant Secretaries-General be appointed for the Mission;

9. Decides, as an ad hoc arrangement, to apportion the amount of $143,000,000 gross ($140,000,000 net) among Member States in accordance with the composition of groups set out in paragraphs 3 and 4 of General Assembly resolution 43/232 of 1 March 1989, as adjusted by the Assembly in its resolution 44/192 B of 21 December 1989, and taking into account the scale of assessments for the years 1989, 1990 and 1991; 5/

10. Decides also that Liechtenstein shall be included in the group of Member States set out in paragraph 3 (b) of General Assembly resolution 43/232;

11. Decides further that Namibia shall be included in the group of Member States set out in paragraph 3 (d) of General Assembly resolution 43/232;

12. Decides that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment of Member States, as provided for in paragraph 9 of the

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3/ S/21360.

4/ S/22464.

5/ See resolutions 43/223 and 45/256 B.

present resolution, their respective share in the Tax Equalization Fund of the estimated staff assessment income of $3,000,000 approved for the initial six-month period;

13. Invites voluntary contributions to the Mission in cash and in the form of services and supplies acceptable to the Secretary-General, to be administered, as appropriate, in accordance with the procedure established by the General Assembly in its resolution 44/192 A of 21 December 1989;

14. Decides to include in the provisional agenda of its forty-sixth session the item entitled "Financing of the United Nations Mission for the Referendum in Western Sahara".

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/1014
20 May 1991
ENGLISH
ORIGINAL: ARABIC

Forty-fifth session
Agenda item 132

FINANCING OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP

Report of the Fifth Committee

Rapporteur: Mr. Shamel NASSER (Egypt)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-fifth session the item entitled "Financing of the United Nations Transition Assistance Group" and to allocate it to the Fifth Committee.

2. At its 53rd, 54th, 56th and 60th meetings, on 29 and 30 April, 2 May 1991 and 17 May 1991, the Fifth Committee considered the report of the Secretary-General on the financing of the United Nations Transition Assistance Group (A/45/997 and Corr.1) and the related report of the Advisory Committee on Administrative and Budgetary Questions (A/45/1003).

3. Statements and observations made in the course of the Committee's consideration of this item are reflected in the relevant summary records (see A/C.5/45/SR.53, 54, 56 and 60).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/45/L.29

4. At the 60th meeting, on 17 May 1991, the Chairman introduced a draft resolution (A/C.5/45/L.29) and orally revised it as follows: in operative paragraph 5, for "having the credits due to them set" read "the utilization of the credits due to them to be set".

5. At the same meeting, the Committee adopted the draft resolution, as orally revised, without a vote (see para. 8).

6. The Controller made a statement following the adoption of the resolution (see A/C.5/45/SR.660).

7. The representative of Japan made a statement following the adoption of the resolution (see A/C.5/45/SR.60).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

8. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

FINANCING OF THE UNITED NATIONS TRANSITION ASSISTANCE GROUP

The General Assembly,

Recalling its resolution 43/232 of 1 March 1989,

Bearing in mind Security Council resolution 435 (1978) of 29 December 1978, by which the Council established the United Nations Transition Assistance Group for a period of up to twelve months, as well as Council resolutions 629 (1989) of 16 January 1989 and 632 (1989) of 16 February 1989,

Having considered the report of the Secretary-General on the financing of the Group 1/ and the related report of the Advisory Committee on Administrative and Budgetary Questions, 2/

Recalling that the amount of $409,555,646 was assessed on Member States for the United Nations Transition Assistance Group,

Bearing in mind that assessed contributions remain uncollected,

Noting with appreciation that voluntary contributions in cash and in kind have been made to the Group by certain Governments,

Recognizing that the situation in which a peace-keeping operation has terminated with resources in excess of net estimated revised costs is unprecedented,

1. Takes note of the observations and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions; 2/

1/ A/45/997 and Corr.1.

2/ A/45/1003.

2. Notes that the net estimated cost of the United Nations Transition Assistance Group to Member States has been revised to $345,314,701 and that Member States' financial obligations to the Group should be adjusted accordingly;

3. Decides that Member States whose payments to the United Nations Transition Assistance Group exceed their adjusted financial obligations will be credited in full with the difference;

4. Notes that the United Nations has been called upon to launch new peace-keeping operations and that significant obligations will result for Member States;

5. Invites Member States to consider the utilization of the credits due to them to be set off against their assessed contributions for other United Nations peace-keeping operations in accordance with the Financial Rules and Regulations;

6. Requests the Board of Auditors to take measures necessary to expedite the audit of the United Nations Transition Assistance Group Special Account and submit its findings to the General Assembly at its forty-sixth session;

7. Requests the Advisory Committee on Administrative and Budgetary Questions, on receipt of the special audit requested in paragraph 6 above, to make appropriate recommendations regarding the account, taking into consideration interest earnings of the account;

8. Takes note of the proposal of the Secretary-General that the shortfall of $3,336,000 for funding the repatriation of some 45,000 Namibians by the Office of the United Nations High Commissioner for Refugees be charged to the United Nations Transition Assistance Group Special Account;

9. Notes that the unencumbered balance shown in annex VI to the report of the Secretary-General 1/ does not include the reported shortfall in the funding for the repatriation of Namibian refugees;

10. Invites the Secretary-General to renew his appeal to Governments to meet this reported shortfall, and requests the Secretary-General to submit a report on this issue, through the Advisory Committee on Administrative and Budgetary Questions, to the General Assembly at its forty-sixth session;

11. Concurs with the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in paragraph 8 of its report, 2/ and approves the following special arrangements for the Group with regard to the application of article IV of the Financial Regulations of the United Nations, whereby appropriations required in respect of obligations owed to Governments providing contingents and/or logistic support to the Group shall be retained beyond the period stipulated under financial regulations 4.3 and 4.4 as set out in the annex to the present resolution;

12. Urges those Member States that are still in arrears to make every effort to pay their assessed contributions to the Group.

ANNEX

Special arrangements with regard to the application of article IV of the Financial Regulations of the United Nations

1. At the end of the twelve-month period provided in regulation 4.3, any unliquidated obligations of the financial period in question relating to goods supplied and services rendered by Governments for which claims have been received or which are covered by established reimbursement rates shall be transferred to accounts payable; such accounts payable shall remain recorded in the Special Account until payment is effected;

2. (a) Any other unliquidated obligations of the financial period in question owed to Governments for goods supplied and services rendered, as well as other obligations owed to Governments, for which required claims have not yet been received shall remain valid for an additional period of four years following the end of the twelve-month period provided for in regulation 4.3;

(b) Claims received during this four-year period shall be treated as provided under subparagraph (a) above, if appropriate;

(c) At the end of the additional four-year period any unliquidated obligations shall be cancelled and the then remaining balance of any appropriations retained therefor shall be surrendered.

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/1015
S/22626
20 May 1991

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23, 35 and 75
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST
REPORT OF THE SPECIAL COMMITTEE
TO INVESTIGATE ISRAELI PRACTICES
AFFECTING THE HUMAN RIGHTS OF
THE PALESTINIAN PEOPLE AND OTHER
ARABS OF THE OCCUPIED TERRITORIES

SECURITY COUNCIL
Forty-sixth year

Letter dated 20 May 1991 from the Chargé d'affaires a.i.
of the Permanent Observer Mission of Palestine to the
United Nations addressed to the Secretary-General

Upon instructions from the Executive Committee of the Palestine Liberation Organization, which has the powers and responsibilities of the Provisional Government of the State of Palestine, I bring the following to your immediate attention:

On 18 May 1991, Israel, the occupying Power, expelled four Palestinians from the occupied Palestinian territory to Lebanon. Their names are as follows:

1. Hashim Ahmed Ali, 31 years old, from Jabaliya Camp in Gaza.

2. Jamal Abid El Nasser Abu Jabal, 23 years old, from Jabaliya Camp in Gaza.

3. Jamal Mohammed Abu-Eljedian, 34 years old, from Beit Lahiaya in Gaza.

4. Muin Mohammad Husam, 31 years old, from Jabaliya Camp in Gaza.

Palestine stresses once again that their expulsion constitutes a flagrant violation of the Fourth Geneva Convention of 1949, the Universal Declaration

of Human Rights and many United Nations resolutions on the question of Palestine, in particular Security Council resolutions 607 (1988), 608 (1988), 636 (1989), 641 (1989) and 681 (1990).

Israel, the occupying Power, should be made to ensure the safe and immediate return of all those expelled Palestinians to their homes in occupied Palestine and to desist from committing further such violations.

This dangerous deterioration of the situation in the Palestinian territory occupied by Israel since 1967, including Jerusalem, requires immediate action from the Security Council.

I should be grateful if you would arrange to have the text of this letter circulated as an official document of the General Assembly, under agenda items 23, 35 and 75 and of the Security Council.

Please accept, Excellency, the assurances of my highest consideration.

(Signed) Dr. Riyad MANSOUR
Deputy Permanent Observer of
Palestine to the United Nations
Chargé d'affaires, a.i.

UNITED
NATIONS

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General Assembly

Distr.
GENERAL

A/45/1016
24 May 1991

ORIGINAL: ENGLISH

Forty-fifth session
Agenda item 34

POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

Letter dated 24 May 1991 from the Permanent Representative of South Africa to the United Nations addressed to the President of the General Assembly

I have the honour to draw your attention to a misleading statement issued on 8 May 1991 by the Chairman of the Special Committee against Apartheid on the issue of violence in South Africa and on the return of exiles and release of political prisoners. This statement was based on a selective reading of events and ignored the declarations and actions of the South African authorities on both subjects.

The State President and senior members of his Government have consistently expressed their deep concern at the tragic human dimension of the current wave of violence between different factions in the country. It has now become the single greatest obstacle to the initiation of constitutional negotiations, which remain a principal objective of Government. The steps they have already taken include:

1. The continuation of firm and impartial action by the Police and the South African Defence Force, with special actions from time to time.

2. Strengthening South African Police manpower and equipment.

3. Involving the whole community in a strategy against violence by holding a multi-party conference on 24 and 25 May 1991.

4. Establishing a standing commission to investigate complaints of violence and advise the Government.

5. The launching of programmes to create employment and deal with adverse social conditions.

6. An intensification of control over dangerous weapons.

7. Assistance to the victims of violence through a special aid fund.

8. Upgrading or converting hostels.

9. Divesting security laws of restrictions on democratic activity.

10. Continuing the process of reconciliation and negotiation.

The Government accepts that it bears the primary responsibility for combating violence, but it has emphasized that all community leaders have a joint responsibility for prevailing upon their followers to desist from violence and resolve their differences peacefully.

The Government discharges its responsibility and exercises its power in a responsible manner in an effort to avoid exacerbating the situation. It does not believe that to return to draconian measures would be conducive to long-term stability and peaceful negotiation. That is why, apart from its measures to strengthen the forces of law and order and render them more efficient, it has striven to reconcile the leadership of the different factions and to impress on everyone the vital need for peace as a prelude to progress.

The State President convened the multi-party conference on 24 and 25 May pertinently to address the issue of violence and to seek solutions agreed by all. It regrets that some important organizations, including the African National Congress and the South African Council of Churches, have not indicated their willingness to attend. No one can evade responsibility for contributing towards an initiative for peace.

With regard to the release of political prisoners, agreement was reached between the Government and the ANC that 30 April 1991 was a target date for their release. The Government also agreed to remove obstacles to the granting of indemnity by the same date, an obligation which it discharged.

The Government has neither the capacity nor the responsibility to persuade South Africans living abroad to return to South Africa and/or to apply for indemnity. Of the 5,872 applications for indemnity received by 30 April, 4,585 were approved. Four hundred and two were referred back to the ANC as they were inadequately completed, while consideration of an additional 526 was delayed because ANC representatives failed to attend a meeting to discuss them. Ninety applications were found not to qualify or were referred to special indemnity committees for further evaluation. Of the remainder being processed, many were awaiting supplementary information.

Nine hundred and thirty-three prisoners were released between 2 February and 30 April but a good number of applications for indemnity and/or for the release of political offenders were still being received right up to 30 April and thereafter making it impossible for the Government to process them by the

target date. The ANC had had eight months to submit these applications. Efforts, in which representatives of the International Committee of the Red Cross are joining on the Government's invitation, are being pursued to ensure that all prisoners who may be entitled to release as political offenders are identified.

I should be grateful if the present letter could be circulated as a document of the General Assembly under agenda item 34.

(Signed) Jeremy B. SHEARAR
Ambassador
Permanent Representative

UNITED
NATIONS

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General Assembly Security Council

Distr.
GENERAL

A/45/1017
S/22641
24 May 1991
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Agenda items 23 and 35
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-sixth year

Letter dated 24 May 1991 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of a statement issued by the Egyptian Ministry of Foreign Affairs on 21 May 1991 regarding the decision of the Israeli Government to expel four Palestinians.

I should be grateful if you would have this letter and its annex circulated as an official document of the General Assembly under items 23 and 35, and of the Security Council.

(Signed) Mohamed Noman GALAL
Minister Plenipotentiary

Annex

Statement of the Egyptian Ministry of Foreign Affairs dated 21 May 1991 concerning the decision of the Israeli Government to expel four Palestinians

Following the recent decision of the Israeli Government to expel four Palestinians from the Gaza Strip, an official source in the Ministry of Foreign Affairs has stated that this was a flagrant violation of all international agreements pertaining to the protection of civilians in the occupied territories and in particular the fourth Geneva Convention of 1949.

The Ministry expressed Egypt's rejection of this decision, which in no way contributed to strengthening the peaceful course in favour of which concerted international efforts were currently being made in order to find a just and comprehensive solution to the Palestinian problem, which was the crux of the Arab-Israeli conflict.

The Ministry urged the Israeli Government to cease using such oppressive measures and instead to move towards building confidence with the Palestinian people, which had suffered greatly under the occupation. At the same time, the Ministry appealed to the international community to reaffirm its unanimous position with regard to protecting Palestinian rights in the occupied Palestinian territories, guaranteeing the exercise of their right to live in peace on their land and property, and restoring their inalienable rights within the framework of a peaceful, just and durable settlement.

UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/1018
S/22655
30 May 1991
ENGLISH
ORIGINAL: ARABIC

GENERAL ASSEMBLY
Forty-fifth session
Agenda item 153
IRAQI AGGRESSION AND THE CONTINUED OCCUPATION
OF KUWAIT IN FLAGRANT VIOLATION OF THE
CHARTER OF THE UNITED NATIONS

SECURITY COUNCIL
Forty-sixth year

Letter dated 29 May 1991 from the Permanent Representative of Kuwait to the United Nations addressed to the Secretary-General

More than 90 days have elapsed since the adoption of Security Council resolution 686 (1991), in which the Council stated that it was mindful of the need to be assured of Iraq's peaceful intentions, and demanded that Iraq rescind immediately its actions purporting to annex Kuwait. Subsequently, Iraq announced that it had decided to rescind all those actions (S/22370). But despite its acceptance of all the resolutions adopted by the Security Council, the Iraqi regime continues to reiterate and reaffirm positions which do not reflect good intentions, but rather signify danger, in the light of the obstinacy and hostility it has demonstrated in the past.

In an interview granted to the Jordanian newspaper Sawt al-Sha'b, published on 27 May 1991, the Vice-President of the Iraqi regime, Taha Yasin Ramadan, made the following statement at Sana'a:

> "If history repeats itself, our position will remain unchanged; the statement that Kuwait is a part of Iraq is neither controversial nor fictitious, but factual. We are convinced of it ... to date, we have had no choice but to yield ... Consequently, when we entered Kuwait, there was no question of withdrawing after the Americans and their allies said that they would strike at Iraq ... why withdraw ... if we did, it was on our own initiative and we are satisfied. During the mother of all battles, we made immense sacrifices. But thanks to well-organized efforts, with modest but constant resources, we will reap the fruits of that battle during the next battle, and for that we will rely on the people and on the national leaders."